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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,561	09/30/2003	Natan Vishlitzky	07072-120002 / EMC 99-009	9960
26161	7590	05/26/2006	EXAMINER KIM, HONG CHONG	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			ART UNIT 2185	PAPER NUMBER

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,561

Applicant(s)

VISHLITZKY ET AL.

Examiner

Hong C. Kim

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Detailed Action

1. Claims 1-8 are presented for examination. This office action is in response to the amendment filed on 5/15/06.

2. Applicants are requested to update the status of the related U.S. patent application accordingly (e.g., U.S. Patent Application Serial No. #####,### filed Sept. 07, 1990, now abandoned; ..., now U.S. Patent #,###,### issued Jan. 01, 1994; or This application is a continuation of Serial Number #####,###, filed on December 01, 1990, now abandoned; ...etc.). Also applicants are requested to include the status of the related U.S. applications or patents in the CROSS-REFERENCE TO RELATED APPLICATIONS section and in any other corresponding area in the specification, if any.

Information Disclosure Statement

3. Applicants are reminded of the duty to disclose information under 37 CFR 1.56.

Claim Objections

4. Claims 1-3 are objected to because of the following informalities:

As to claim 1, in lines 13, 14, 17, and 20, it is unclear to the examiner what "one of said records" refers to. In line 22, it is unclear to the examiner what "a plurality of records" refers to.

As to claims 2 and 3, it is unclear to the examiner what "one of said records" refers to.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8 are rejected under 35 USC § 103(a) as being unpatentable over Yeger et al. (Yeger) US Patent No. 5809435 or Vishlitzky US Patent No. 6029229 in view of Creta et al. (Creta) US Patent No. 6,216,247

As to claim 1, Yeger discloses the invention as claimed. Yeger discloses a digital data storage system comprising: a storage element, the storage element comprises a plurality of storage locations each configured to store a retrievable record, (Figs. 2 and 3), a memory configured to store associated with each storage location associated with a descriptor of data (Figs. 2 and 3), and a cache memory comprising a plurality of cache slots and a control device configured to initiate retrieval of record from the storage locations and after retrieving the record, selectively store the record in one of the cache slots and store a pointer, selective storage of the record being made such that the record from the same storage elements are stored in the same cache slot (Figs. 2 and 3 cols 7-11).

Alternatively, Vishlitzky discloses the invention as claimed. Vishlitzky discloses a digital data storage system comprising: a storage element, the storage element comprises a plurality of storage locations each configured to store a retrievable record, (Figs. 2 and 3), a memory configured to store associated with each storage location associated with a descriptor of data (Figs. 2 and 3), and a cache memory comprising a plurality of cache slots (Fig. 2 Ref. 31) and a control device configured to initiate retrieval of record from the storage locations and after retrieving the record, selectively store the record in one of the cache slots and store a pointer, selective storage of the record being made such that the record from the same storage elements are stored in the same cache slot (Figs. 2 and 3 cols 4-9).

However, neither Yeger nor Vishlitzky specifically discloses each descriptor of data comprising a check value for the record stored in the respective storage location associated with the descriptor of data and a control device configured to, initiate retrieval of one of the record, and use the check value from the descriptor to verify that the one of the associated with the one of the records is from the one of the storage locations identified in the retrieval request.

Creta discloses each descriptor of data comprising a check value (Fig. 5 Ref. 520) for the record stored in the respective storage location associated with the descriptor of data and a control device configured to, initiate retrieval of one of the record, and use the check value from the descriptor to verify that the one of the associated with the one of the records is from the one of the storage locations identified

in the retrieval request (col. 1 lines 44-50) for the purpose of detecting and correcting data error thereby reducing the amount erroneous data sent to the host computer and avoiding the problem of the host trying to process the erroneous data which could result in breakdowns software application errors and undesirable delays (col. 1 lines 48-51).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include each descriptor of data comprising a check value for the record stored in the respective storage location associated with the descriptor of data and a control device configured to, initiate retrieval of one of the record, and use the check value from the descriptor to verify that the one of the associated with the one of the records is from the one of the storage locations identified in the retrieval request as taught by Creta into the invention of Yeger or Vishlitzky for the advantages stated above.

As to claim 4, the claim 4 encompasses the same scope of the invention as that of the claim 1. Therefore, the claim 4 is rejected for the same reason as the claim 1.

As to claims 2 and 5, Creta further discloses a check value and generates check value and stores the generated check value in the descriptor on the memory (col. 1 lines 44-50).

As to claims 3 and 6, Creta further discloses a check value and generates check value (col. 1 lines 44-50). Yeager further discloses updating a cache memory (Figs. 2 & 3 cols. 7-11). Vishlitzky further discloses updating a cache memory (Figs. 1 and 2 cols. 4-9).

As to claims 7 and 8, Creta further discloses a check value section comprises the check value wherein the check value for the record stored in the respective storage location associated with the descriptor of data (Fig. 5 Refs. 510 and 520 and col. 1 lines 44-50). Yeager further discloses a header section wherein the pointer is stored in the header section and the header section includes information about the storage locations (Fig. 3). Vishlitzky further discloses a header section wherein the pointer is stored in the header section and the header section includes information about the storage locations (Fig. 2).

Response to Amendment

2. Applicant's arguments filed on 5/15/06 have been fully considered but they are not deemed to be persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Creta discloses each descriptor of data comprising a check value (Fig. 5 Ref. 520) for the record stored in the respective storage location associated with the descriptor of data and a control device configured to, initiate retrieval of one of the record, and use the check value from the descriptor to verify that the one of the associated with the one of the records is from the one of the storage locations identified in the retrieval request (col. 1 lines 44-50) for the purpose of detecting and correcting data error thereby reducing the amount erroneous data sent to the host computer and avoiding the problem of the host trying to process the erroneous data which could result in breakdowns software application errors and undesirable delays (col. 1 lines 48-51).

Applicant's remarks on pages 9-14 concerning the references not teaching a check value for the record is not considered persuasive.

Creta discloses the check value for the record (col. 1 lines 48-51).
Therefore broadly written claims are disclosed by the references cited.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

3. When responding to the office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R. ' 1.111(c).

4. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Kim whose telephone number is (571) 272-4181. The examiner can normally be reached on M-F 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 whose telephone number is (571) 272-2100.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7. **Any response to this action should be mailed to:**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to TC-2100:

571-273-8300

Hand-delivered responses should be brought to the Customer Service Window (Randolph Building, 401 Dulany Street, Alexandria, VA 22314).

HK
Primary Patent Examiner
May 22, 2006

A handwritten signature in black ink, appearing to read 'H. Kim', is written over the printed name.